

BellSouth Corporation
Legal Department
675 West Peachtree Street
Suite 4300
Atlanta, GA 30375-0001

angela.brown@bellsouth.com

Angela N. Brown
Regulatory Counsel

404 335 0724
Fax 404 614 4054

January 28, 2004

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
ATTN: CALEA 107(c)
Room TW-A325
445 12th Street, S.W.
Washington, D.C. 20554

**Re: The Communications Assistance for Law Enforcement Act ("CALEA")
Section 107(c) Extension of Capability Requirements, CC Docket No. 97-213;
BellSouth Telecommunications, Inc., TRS Number: 802971**

Dear Ms. Dortch:

On June 28, 2002, BellSouth Telecommunications, Inc. ("BellSouth")¹ requested an extension of the deadlines for complying with the assistance capability requirements of Section 103 of the Communications Assistance for Law Enforcement Act ("CALEA"), 47 U.S.C. § 1006(c)² in accordance with the Commission's September 28, 2001 *Public Notice*³ regarding

¹ BellSouth Telecommunications, Inc. ("BellSouth") provides wireline telephone service in parts of Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee. The TRS number for BellSouth is 802971.

² Section 107(c) of CALEA expressly authorizes telecommunications carriers to petition the Commission for "1 or more extensions of the deadline for complying with the assistance capability requirements" under Section 103 of CALEA. 47 U.S.C. § 1006(c)(1). The Commission is authorized to grant an extension where, as here, "compliance with the assistance capability requirements . . . is not reasonably achievable through application of technology available within the compliance period." 47 U.S.C. § 1006(c)(2).

³ See *The Common Carrier and Wireless Telecommunications Bureaus Establish Procedures for Carriers to Submit or Supplement CALEA Section 107(c) Extension Petitions, Both Generally and With Respect to Packet-Mode and Other Safe Harbor Standards*, CC Docket No. 97-213, *Public Notice*, 16 FCC Rcd 17101 (2001) ("2001 Public Notice").

Section 107 extension petitions.⁴ In that request, BellSouth asked the Commission to grant it an extension for the deployment of CALEA-compliant software and equipment for (1) the core CALEA assistance capabilities included in J-STD-025 ("J-Standard"); (2) packet-mode communications; and (3) the punch list features.⁵ BellSouth sought an extension of the CALEA deadlines in accordance with the dates set forth in the flexible deployment plan that it submitted in response to the Third Edition of the Federal Bureau of Investigation's ("FBI") Flexible Deployment Assistance Guide.⁶ Based upon the Commission's *2001 Public Notice*,⁷ BellSouth's June 28, 2002 extension request is deemed granted for a maximum of two years (until June 28, 2004), unless the Commission were to render a decision prior to that date.

On November 19, 2003, the Wireline Competition Bureau and the Wireless Telecommunications Bureau extended the deadline for compliance with CALEA's packet-mode surveillance capability requirements until January 30, 2004.⁸ The *November 2003 Public Notice* expressly concludes "that wireline and wireless carriers that have filed with the FCC facially complete extension requests in accordance with the *2001 Public Notice* are deemed to have a further preliminary extension of the deadline for complying with CALEA section 103 with respect to packet-mode communications electronic surveillance capability until January 30, 2004, unless superseded by an earlier, final determination on the merits of particular underlying extension requests."⁹ As indicated above, BellSouth's pending extension request for packet

⁴ See Letter to Ms. Marlene H. Dortch, Secretary, Federal Communications Commission from Angela N. Brown, Regulatory Counsel, BellSouth Corp., CC Docket No. 97-213 (filed June 28, 2002) ("June 28, 2002 Letter").

⁵ *Id.* at 2. BellSouth has filed multiple extension requests and supplemental information with the Commission regarding CALEA compliance. See, e.g., BellSouth Petition for Extension, CC Docket No. 97-213 (filed May 31, 2000); BellSouth Supplement to Petition for Extension, CC Docket No. 97-213 (filed Sept. 27, 2001); BellSouth Petition for Extension, CC Docket No. 97-213 (filed Nov. 16, 2001); June 28, 2002 Letter.

⁶ U.S. Department of Justice, Federal Bureau of Investigation, CALEA Implementation Section, Flexible Deployment Assistance Guide, Third Edition, Extensions of the June 30, 2002 Missing Capability Compliance Date and Further Extensions of June 30, 2000 (May 2002). The FBI recently decided to discontinue its Flexible Deployment Program with respect to packet-mode communications. *The Wireline Competition and Wireless Telecommunications Bureaus Announce a Revised Schedule for Consideration of Pending Packet Mode CALEA Section 107(c) Petitions and Related Issues*, CC Docket No. 97-213, *Public Notice*, DA 03-3722, at 2 (rel. Nov. 19, 2003) ("*November 2003 Public Notice*").

⁷ The *2001 Public Notice* states as follows: A carrier filing a complete Section 107 petition is deemed to have a "preliminary extension for the period requested in its filing, but not to exceed the two-year limit . . . , until the preliminary determination is superseded by Commission determination on the merits of the petition." *2001 Public Notice*, 16 FCC Rcd at 17106, ¶ 17.

⁸ *November 2003 Public Notice* at 1.

⁹ *Id.* at 3.

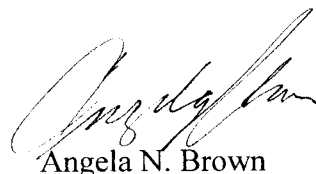
mode communications was filed in June 2002; therefore, it is BellSouth's understanding that it has a preliminary extension until June 2004, rather than January 30, 2004, to satisfy CALEA's surveillance requirements for its packet-based technologies and services (as well as the core assistance and punch list capabilities). Therefore, it is not necessary for BellSouth to file an additional extension request for packet-mode communications at this time. If the Commission has a contrary view, BellSouth respectfully requests that the Commission notify it as soon as possible so that appropriate steps may be taken.

Contact Person. BellSouth designates the following contact person authorized to discuss CALEA-related matters with the Commission:

Karen Possner
Vice President – National Security and Strategic Policy
BellSouth
1133 21st Street, N.W.
Suite 900
Washington, D.C. 20036-3351
(202) 463-4160
(202) 463-4637 (fax)

Should you have any questions, please feel free to contact the individual listed above.

Respectfully submitted,



Angela N. Brown

cc: CALEA Section 107(c) Petition
Network Services Division
Federal Communications Commission
The Portals II, 445 12th Street, S. W.
Room 6-A320
Washington, D. C. 20554